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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,801	03/25/2004	Tien-J Bao	TS02-262CIP (24061.480)	6033
42717	7590	06/03/2005		EXAMINER
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202				ANYA, IGWE Ü
			ART UNIT	PAPER NUMBER
			2891	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,801	BAO ET AL.	
	Examiner	Art Unit	
	Igwe U. Anya	2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 11-22 is/are allowed.
 6) Claim(s) 1-3 and 10 is/are rejected.
 7) Claim(s) 4-9 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 4/29/04.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 – 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al. (USPAB 2003/013449) in view of Edelstein et al. (USPAB 2003/0087043).

4. Edelstein et al. teach a method for forming an opening in a carbon containing low-k dielectric layer using DUV photolithography comprising:

- (a) providing a silicon wafer having a conductive wiring element (115) over an insulative layer (112);
- (b) forming a low-k dielectric layer (118) over the conductive wiring element;

- (c) depositing a carbon deficient silicon oxycarbide ARL (119) over the low-k dielectric layer;
- (d) patterning a photoresist layer over the ARL to define the opening (paragraphs 37, 44);
- (e) etching said ARL in said opening thereby exposing said low-k dielectric layer (paragraphs 37, 44);
- (f) etching said exposed low-k dielectric layer, thereby exposing said conductive wiring element in said opening paragraphs 37, 44);
 - wherein said low-k dielectric layer is a spin-on-glass, a siloxane, an aerogel, a hydrosilsesquioxane or a xerogel (paragraph 26);
 - wherein an etch stop layer (117) is deposited between said conductive wiring element and said low-k dielectric layer; and
 - wherein the opening is a contact opening or a via opening (fig. 4f).

5. Gates et al. lack a silicon oxycarbide having a carbon deficiency accomplished by introducing hydrogen during said depositing, thereby establishing a quantity of Si-H bonding in place of Si-C bonding in said ARL, and a DUV photoresist

6. However, Edelstein et al. teach carbon deficiency accomplished by introducing hydrogen during said depositing, thereby establishing a quantity of Si-H bonding in place of Si-C bonding in said ARL(paragraphs 15 – 17), and a DUV photoresist (paragraph 27) for avoiding footing (paragraph 14)..

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7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Edelstein et al. into the Gates et al. reference to avoid footing.

8. Claims 4 – 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 11 – 22 are allowable, because prior art does not teach inter alia etching a carbon containing low-K dielectric in occasional presence of hydrogen.

10. Prior art made of record and not relied upon, considered pertinent to applicant's disclosure include Steiner et al. (US Patent 6798043), Pan et al. (US Patent 6821905), and Gibson, Jr. et al. (US Patent 6879046).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igwe U. Anya whose telephone number is (571) 272-1887. The examiner can normally be reached on M - F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William B. Baumeister can be reached on (571) 272-1722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igwe U. Anya
Examiner
Art Unit 2891

IA

May 27, 2005



B. WILLIAM BAUMEISTER
SUPERVISORY PATENT EXAMINER